UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1992/SR.13
17 August 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 August 1992, at 3 p.m.

Chairman: Mr. ALFONSO MARTINEZ

later: Mr. CHERNICHENKO

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GE.92-13209/4793B (E)

The meeting was called to order at 3.35 p.m.

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE (agenda item 14) (continued) (E/CN.4/Sub.2/1991/32 and Corr.1)

1. Mr. BHANDARE, commenting on the working paper prepared by him pursuant to Sub-Commission resolution 1989/47 (E/CN.4/Sub.2/1991/32), agreed with Mr. Eide that the interrelationship between human rights and international peace was an item on which it was not possible to give a comprehensive picture at any given point in time. The very basis of the desired change was that it must come from within States. The position during the Cold War, when the two super-Powers had dominated events, had been easier than the present situation. A further discussion on that matter would be helpful, as was emphasized in paragraphs 26 and 27 of his working paper.

2. The working paper had been prepared after the cold war had faded and when human rights had appeared to be blooming. However, things were not as easy as they appeared to be. Since then the world had witnessed such events as the Gulf war and the situation in Yugoslavia, Sudan and elsewhere, which had shaken it out of its complacency and created a feeling that constant vigilance would be required for the maintenance of international peace and for the protection and promotion of human rights. So the disappearance of the danger of a clash between the two super-Powers had not eliminated the threat to international peace, which was, on the contrary, greater than before. In that connection he drew the Sub-Commission's attention to paragraphs 14, 15 and 16 of his working paper.

3. International relations had to be so structured that confrontation was replaced by cooperation and conflicts were resolved through peaceful political means, as he had stated in paragraph 18 of the working paper. The point was that the international community had the machinery, in the form of the United Nations Security Council, for stopping a war, but stopping a war did not also end violations of human rights. The basic view taken in the paper was that a mechanism must be established for securing fundamental human rights without impinging on the sovereignty of States. The key elements for that were peace, independence, security, disarmament and development. The world was one and peace and human rights were indivisible; as he had emphasized in paragraph 21, a common effort was needed to usher in a non-violent democratic world. Anyone who thought that the issue of international peace had become less important with the end of the cold war was mistaken, since violence was taking place in all parts of the world. He hoped that the Sub-Commission would consider the working paper in greater depth and give the item all its due importance.

4. Mr. AL-KHASAWNEH noted that in his working paper Mr. Bhandare had advocated a holistic approach to the relationship between human rights and international peace. That was all very well, but it was possible to imagine situations in which the enjoyment of human rights could be a threat to international peace. For example, a group's claim to enjoy the right to self-determination might pose a threat to international security. In such a case, which interest should prevail?

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (E/CN.4/Sub.2/1992/13-14; E/CN.4/Sub.2/1992/39-41; E/CN.4/1993/3-E/CN.4/Sub.2/1992/42; E/CN.4/1993/5-E/CN.4/Sub.2/1992/43; E/CN.4/Sub.2/1992/45, 47; E/CN.4/Sub.2/1992/NGO/4, 6, 8, 13-14)

5. Mr. CISSE (Centre for Human Rights), introducing the item, recalled that, by resolution 8 (XXIII) of 16 March 1967 the Commission on Human Rights had decided to give annual consideration to it. In operative paragraph 2 of that resolution the Commission had requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources. In operative paragraph 6 the Commission had invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories. In its resolution 1235 (XLII) of 6 June 1967, the Economic and Social Council had authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and had further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights.

6. To facilitate the Sub-Commission's discussion on some of the situations under consideration, the Secretariat had placed before it, in document E/CN.4/Sub.2/1992/13, a list of reports, studies, statistics and other documents relating to the question of Palestine and other Arab territories, prepared pursuant to Sub-Commission resolution 1984/4. In addition, the Sub-Commission would have before it a note prepared by the Secretary-General in pursuance of Sub-Commission resolution 1991/9 entitled "Situation of Human Rights in the Islamic Republic of Iran", reproduced in document E/CN.4/Sub.2/1992/14. Finally, submissions relating to the item by observers and non-governmental organizations were also available to the Sub-Commission.

7. Mr. EIDE said that the consideration of agenda item 6 would probably be a gloomy experience because the Sub-Commission would be hearing about many human rights violations in many parts of the world. There had, however, been some encouraging developments, such as the improvement in the climate in the Middle East, in which the United States Government had displayed commendable firmness and Mr. Rabin and several Arab leaders a willingness to engage in a dialogue. Positive developments had also taken place in a number of African countries, reflected in the interesting pan-African conference on the transition to democracy held in May 1992.

8. However, it should not be assumed that everything was solved by the move towards democracy, since some people were trying to exploit democracy for the purpose of destroying human rights. An important text in that connection was

article 30 of the Universal Declaration of Human Rights, which stated that "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein". The transition to democracy meant more than just holding an election. Even Hitler had come to power through a democratic process. In some countries the transition to democracy had led to undemocratic phenomena such as ethno-populism, racism and exclusionism.

9. Violations of human rights were currently commonplace in every corner of the world. What those with a commitment to human rights wished to see was the emergence of the "human rights State" - a State allowing for democratic participation, respecting the integrity of every human being, providing for freedom for all and economic and social justice, and participating constructively in international cooperative security. The question was, what could be done to secure that goal, and what means were available with which to secure it?

10. The first task was to identify the obstacles and the second to develop and define responses. Obstacles, which existed in practically all countries, included religious fervour - with one Government close to religious extremism and attempting to export it; ethno-nationalism; ideological rigidity - with movements in Peru and Cambodia that rejected the whole system of human rights as bourgeois; conflicts arising from social inequalities; and the gap between rich and poor countries. All those obstacles led to anger, frustration and sometimes to highly irrational responses.

11. Currently, the human rights community placed emphasis on the study of governmental responses. But an attempt should now be made to influence the other actors in those conflicts, and to prevail upon them to find rational rather than destructive solutions to their problems. In particular, non-governmental organizations should look at what was being done by groups confronting Governments, make it clear to them that if they resorted to violence they would not receive a hearing, and seek means of persuading them to mend their ways.

12. The following day, the Commission on Human Rights would be meeting in special session to consider the situation in the former Yugoslavia. It seemed inappropriate that the Sub-Commission should remain silent on a matter of such grave concern, and he wondered whether it would be possible to draft some form of consensus decision to be made available to the Commission. In his view, such a decision should contain six elements.

13. First, the Commission on Human Rights should require that all violations by all parties of human rights and humanitarian standards should cease immediately. Secondly, the Commission should strongly condemn ethnic cleansing, a feature of the Yugoslav situation that international law, and in particular the human rights system, had not yet addressed systematically. Thirdly, the Commission should require that interference with humanitarian relief should be stopped and provide for severe measures to be taken against those attacking relief agencies. Fourthly, it should remind all persons, groups and authorities involved that criminal responsibility attached to those of their actions that violated international standards. Fifthly, the

Commission should establish an international commission with the dual task of collecting evidence on violations of humanitarian standards and ensuring that the perpetrators were brought to justice. Lastly, since the perpetrators clearly believed that they could present the international community with an irreversible fait accompli, the Commission should point out that extensive reconstruction, as well as eviction of those occupying homes vacated as a result of ethnic cleansing, would be required, to enable refugees to return to their homes.

14. Those were some of the elements that the Sub-Commission should seek to bring to the attention of the Commission. The Sub-Commission had a duty to make its voice heard in the context of that very special situation.

15. Mr. BOSSUYT said that the changes in East-West relations had led to substantial improvements in the human rights situation in several regions of the world. In Eastern Europe, enormous progress had been made in the enjoyment of human rights, with an end to systematic persecution of dissidents, restoration of freedom of worship and establishment of freedom of the press. The right freely to leave any country, including one's own, denial of which had once been a hallmark of the Eastern European countries, was now denied by only a handful of countries resistent to the changes taking place in the world, such as Cuba and the Democratic People's Republic of Korea.

16. The changes in East-West relations also improved the prospects for a settlement of the human rights situation in southern Africa and the Middle East, regions in which the despair that had prevailed for decades was now replaced by a hope that real progress would shortly be achieved. In southern Africa, Namibia had at last achieved independence, and South Africa itself had embarked on a process of reform that would inevitably lead to the abolition of apartheid. Unfortunately, that process was accompanied by much violence. A system in which all could flourish could be brought about only through respect for the human rights and fundamental freedoms of all.

17. In the Middle East, too, the first signs could be detected that a settlement might emerge from the difficult negotiations. An end to the occupation of the Palestinian territories would remove a permanent source of tension in that region.

18. Iraq, however, continued to be guilty of many human rights violations. In particular, the violation of the rights of the Kurdish people by Iraq, as well as by other neighbouring States, continued to be a major source of concern. Having heard of the Iraqi Government's violation of human rights only after the invasion of Kuwait, he had no hesitation in calling for greater vigilance with a view to ensuring that the sanctions imposed on Iraq did not affect only innocent victims, since it was a characteristic of a dictatorship to be insensitive to the sufferings of the people that it oppressed.

19. Elsewhere in Asia, in the Islamic Republic of Iran, Myanmar, Sri Lanka, East Timor, Kashmir, China and Tibet, human rights continued to be violated, while in Afghanistan the situation was worse than ever.

20. Considerable progress had been made in a number of countries in Latin America. Some Governments, however, were powerless to confront the

threats to the functioning of the State posed by terrorist groups such as Sendero Luminoso and the Colombian drug cartels. The Sub-Commission would have to accord greater importance to that phenomenon in the future.

21. In Africa, underdevelopment, drought, economic chaos and civil war afflicted the population in many countries. Some Governments were making laudable efforts to improve the plight of their citizens through greater democratization. Others, however, lacked the courage and clearsightedness to follow such a course. The worst situations, such as those in Liberia and Somalia, were brought about by civil war. The international community must immediately provide itself with the necessary resources to assist the victims.

22. Europe, too, was no longer exempt from large-scale massacres. The armed conflicts in the republics of the former Yugoslavia were accompanied by the worst violations of human rights and humanitarian law. Tens of thousands were being killed, tortured or starved, and their goods destroyed; hundreds of thousands were refugees. Tribute should be paid to the Governments and peoples that were receiving those refugees. The international community must not allow a deliberate policy of ethnic cleansing to pay off. Nor was the alteration of frontiers by force acceptable. Unfortunately, the former Yugoslavia was not the only region where nationalism was in danger of sparking off armed conflicts. Unless the international community succeeded in showing that violence did not pay, others might be tempted to follow the Yugoslav example. The longer an effective reaction was postponed, the more difficult it would be to secure, because of the escalation of destruction and hatred. The world had become too interdependent for large-scale violations of international and humanitarian law and human rights to be tolerated without jeopardizing the security of all.

23. Mr. CHERNICHENKO took the Chair.

24. Mr. MAXIM said that the situation in the world with regard to human rights was a paradoxical one. On the positive side were a wealth of international human rights instruments, a number of mechanisms that had frequently proved useful, and a widespread awareness of the need to respect human rights and the commitments made by Governments and States. In the light of those achievements, it might be expected that violations of human rights would be a rare exception. Yet new violations, of increasing gravity, were being recorded, even in regions where it had been supposed that such problems were a thing of the past. He was thinking in particular of the inter-ethnic conflicts that were resurfacing in Europe and elsewhere. The world appeared to have entered a period of increased instability, the course and consequences of which could not predicted.

25. The question of who was ultimately responsible for the persistence of violations was a complex one, to which the Sub-Commission should devote greater attention. He himself was convinced that Governments' laxness in discharging their responsibilities was one of the main causes. As Mr. Eide had pointed out, violations were often committed by forces that were outside Governments' control. None the less, it was Governments who were ultimately to blame if those forces were able to act with impunity, since it was their failure to show firmness and lack of preparedness that had resulted in anarchy and violence. Since it was generally accepted that Governments were

responsible for ensuring respect for human rights, every democratically elected Government must fulfil its obligation to its electors to prevent violations of those rights. Governments should use every resource available to them to secure that objective, including force where necessary.

26. Mr. MOFOKENG (Observer, Pan Africanist Congress of Azania) said that the convening, on 15 July 1992 of the Security Council meeting which had been addressed by the President of his organization and by nine Foreign Ministers of the Organization of African Unity, showed the extent to which the situation in South Africa had deteriorated. His delegation was horrified at the insensitivity of those who boasted of "positive changes" in South Africa. The truth was that the country, once colonized by the British, had never been decolonized.

27. The Land Act of 1913 had been repealed, but the land had not been redistributed fairly. A mere 13 per cent of the land was allocated to 87 per cent of the population, while 13 per cent of the population - the white minority - controlled 87 per cent of the land and 85 per cent of the country's wealth and resources. Consequently, 50 per cent of African children died before the age of five, 53 per cent of Africans lived below the breadline, and four people died of malnutrition every day in the so-called "independent homelands". The purpose of the Land Act had been to ensure that the African population would dwindle, by inflicting upon it poverty, disease and ignorance, so that the settler population would increase as a proportion of the total. That genocidal policy continued to the present day.

28. A number of people in the world had been hoodwinked by President De Klerk, and had even accorded him red-carpet treatment. They had applauded the referendum of 17 March 1992 as signalling that whites in South Africa now wanted fundamental change. The PAC disagreed with that unscientific analysis. After the referendum, Parliament had allocated more money to white pensioners, while African pensioners had had to make do with the usual apartheid crumbs. The Ministry of Justice had also announced that it would execute 17 of the 310 political prisoners still in death cells in South Africa; while 500 other political prisoners had still not been released.

29. The De Klerk regime had amended the Internal Security Act, but had never abolished it. Evidence of the worsening situation was the tabling of the Interception and Monitoring Prohibition Bill on 10 June 1992. That Bill, which had now become law, gave the South African army and secret police sweeping powers to bug telephones, intercept mail and burgle premises. It showed that De Klerk's regime was no better than those of his predecessors. The so-called "positive changes" in South Africa were a myth, and at best wishful thinking.

30. A false impression had deliberately been conveyed that the PAC did not wish to negotiate with the De Klerk regime. The truth was that the PAC made a distinction between negotiations and co-option, collusion and collaboration. When the regime had sought to negotiate with the PAC, the latter had stated its conditions, the chief of which was that it would negotiate the modalities for electing a constituent assembly to write a new constitution dismantling apartheid. It had further stipulated that those negotiations should take

place under a neutral convener, with a neutral chairman, and in a neutral venue. The regime had rejected those demands and had come up with its own CODESA agenda, a fraudulent creation of the apartheid regime. Doubt had been cast on CODESA's legitimacy as an organ to prepare a constitution in a letter from the South African Council of Churches addressed to the PAC Secretary-General on 22 January 1992. Nor should the present Parliament be transformed into a constitution-making body without taking due regard of the view of the majority of the population.

31. The fact that on 10 April 1992 the PAC had met the South African regime in a neutral venue, under a neutral convener in Nigeria had demonstrated its willingness to take part in genuine negotiations. It had also been a victory for the oppressed majority to succeed in having neutrality built into any process of political change, as a means of freeing it from manipulation by the regime.

32. The PAC wanted a neutral venue for several reasons. First, the national sovereignty of Azania, known by the colonial name of South Africa since 1909, was still usurped: the South African regime had no sovereignty in the country. The United Nations and the Organization of African Unity were thus not interfering in the internal affairs of a sovereign State, since South Africa was a colony, whose indigenous majority was under alien rule. Moreover, two days before the start of the CODESA II talks, the regime had bugged the telephones of the participants. The PAC's President had asked the Special Representative of the United Nations Secretary-General to take note of the fact that many parties of various political persuasions refused to take part in the CODESA talks. He had also asked the Special Representative to bring his skills to bear in order to find an alternative forum acceptable to all the parties.

33. In the light of the ongoing violence, the necessary climate for negotiations required by the United Nations Declaration on Apartheid and its Destructive Consequences in Southern Africa of 14 December 1989 did not currently exist in South Africa. That Declaration should form the basis of attempts to find a lasting peace in the country.

34. Mr. RAMLAWI (Observer for Palestine) said that agenda item 6 provided the Sub-Commission with an opportunity to discuss specific violations of human rights worldwide that could be related to specific conditions and addressed by methods approved by the Sub-Commission and with reference to international human rights standards. Such cases, however, differed greatly from the violations taking place in the Israeli-occupied Palestinian territories, violations which were part of an organized policy of expansionism pursued by Israeli Governments since 1948 and designed to secure specific policy objectives, namely, the permanent occupation of those territories, expulsion of the Palestinian population and confiscation of their lands. Those violations were taking place on a scale unparalleled elsewhere, especially because no international pressures were brought to bear on the authorities to deter them from their purpose.

35. The Israeli occupation authorities had therefore continued to perpetrate crimes in the form of violations of the human rights of the inhabitants of the Palestinian occupied territories for 25 years in a manner which expressed

flagrant disregard for the principles of international humanitarian law, the provisions of the Charter of the United Nations and United Nations resolutions. In that it had enjoyed the unlimited military, economic and political support of the United States.

36. The tragic reality of the situation threatened the cohesion of the international community and raised the issue of double standards in the application of human rights as well as the influence of the political element in their application. Human rights, by their very nature, should be characterized by universality and uniformity of application independent of political considerations. The issue of double standards and selectivity was one of the most important issues faced by the international community on the eve of the World Conference on Human Rights. Without uniformity and unanimity, the peoples of the world in general and those of the developing countries in particular would pay a very high price not only in terms of sovereignty and independence but also of humanitarian rights.

37. Israel's defiance of the international community, which had made no serious effort to stop it, had led to thousands of victims among the Palestinian people who had been killed, wounded, detained, expelled and who had suffered torture, hunger and displacement because of the practices of the Israeli occupation authorities. All those practices had been documented in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and in the reports of Amnesty International. The International Committee of the Red Cross (ICRC) had reaffirmed that Israel had categorically rejected the Fourth Geneva Convention and continued to violate its terms in the occupied territories; that in itself was a grave violation of the principles of humanitarian international law and had compelled the ICRC to inform world public opinion of those issues in press reports, the last of which was dated 21 May 1992.

38. Successive Israeli Governments had followed a fixed policy regardless of party. The new Government of Mr. Rabin had changed nothing. Shortly after becoming Prime Minister, Mr. Rabin had authorized the construction of 800 housing units for Jewish settlers in the occupied territories and, according to a statement to the Knesset on 30 July, had encouraged the death squads of the Israeli army to fire on Palestinians. It should not be forgotten that the Commission on Human Rights had adopted 10 resolutions condemning Israeli practices before 1977. All the wars launched by Israel against the Palestinians and Arabs before 1977 had been instituted by Labour Governments. Jerusalem had been annexed and the confiscation of lands and the establishment of settlements in the occupied territories had all started during a Labour Government under Mr. Rabin in 1967. Nevertheless the United States had provided Israel with loan guarantees of $10 billion and had guaranteed Israel's military supremacy over all the Arab States.

39. Mr. CIURLIZZA (International Federation of Human Rights) said that, for a number of years past, his organization and its affiliate in Peru, the Asociación Pro Derechos Humanos, had reported on the criminal activities of armed groups such as the Shining Path and the continuing violations of fundamental human rights, including non-derogable rights, by State agents,

including members of the military, the security forces and paramilitary groups. Such activities had recently been condemned as completely unacceptable by the Human Rights Committee.

40. The coup d'état of 5 April 1992, which had been justified on moral grounds and as being in the interests of pacification, had only accentuated the difficulties of the Peruvian people by concentrating power in the hands of the President and the security forces. The coup d'état had destroyed the rule of law and the judicial power and had led to the suspension of the remedy of habeas corpus.

41. Flagrant violations of human rights by agents of the State since the coup d'état had included the following cases, none of which had been properly investigated and with complete impunity for the perpetrators and their accomplices. On 12 June 1992, Angel Zanabria Ubaldo and Gumercindo Ubaldo Zanabria, both 16 years old, had been arrested in the province of Lamas and taken to an army barracks. Nothing was yet known of their subsequent fate. Also on 24 June 1992, six members of the Ventocilla family had been removed from their home north of Lima by a patrol. The following day their bodies had been found; they showed signs of torture and had gunshot wounds in the head. Four of the victims had been detained by the army on 27 April and freed the following day. On 14 April 1992, Mr. Andres de los Rios Bernardini, a university student who was a member of the Aprista party, disappeared for 15 days. He was tortured both physically and psychologically and was freed on 29 April when he was found bound and blindfolded in Lima. The national police and the President of the Republic himself denied that the detention had taken place.

42. The large number of such cases and the impunity enjoyed by the perpetrators showed clearly that, since the coup d'état, the pattern of serious and persistent violations of the human rights of the civilian population had been consolidated. Arbitrary executions, forced disappearances and torture had proliferated in the absence of mechanisms to control the activities of the armed forces. It had at one time been believed that violence could only be defeated by greater violence. Events during the previous 12 years of internal conflict had disproved that theory. His organization and its affiliate accordingly urged the Sub-Commission to adopt a resolution condemning the grave and persistent violations of human rights in Peru and the terrorist activities of armed groups and to recommend that the Commission on Human Rights should nominate a special rapporteur for Peru.

43. Mr. AMORIM (International Federation of Human Rights) said that the previous year a Sub-Commission draft resolution on Timor had been withdrawn in favour of a declaration by the Chairman taking note of Indonesia's pledge to cooperate with United Nations bodies. Notwithstanding that pledge, massive and systematic violations of human rights had continued to be committed by the Indonesian authorities in East Timor.

44. A week after the Santa Cruz massacre on 12 November 1991, in which more than 200 persons had been summarily executed, he had participated in a peaceful demonstration by 70 East Timorese students in protest against the massacre. Together with other students, he had been arbitrarily arrested, detained, interrogated and subjected to torture. They had been held under

very poor conditions; the cells had been small, overcrowded, with no proper ventilation and were insanitary while the diet had caused serious stomach problems. One week after the arrests, 49 of the participants had been freed for no apparent reason but 21 remained in arbitrary detention.

45. On 24 November 1991, in Denpasar, Bali, five East Timorese students had been arrested in their homes for having been involved in the organization of the demonstration. Two out of the five student leaders received very heavy sentences after an unfair trial: Joao Freitas de Camara had been sentenced to 10 years and Fernando de Araujo to 9 years imprisonment. Some of the military personnel responsible for the Santa Cruz massacre had not even been tried and the maximum sentence for those who had been tried had been one year.

46. The territory of East Timor continued to be strictly controlled; access by independent human rights observers had been curtailed to an even greater extent, repression had been intensified and military activities stepped up. His organization accordingly urged the Sub-Commission to adopt a resolution condemning the massive and systematic violations of human rights by the Indonesian authorities and to take all appropriate measures to monitor the human rights situation in East Timor.

47. Between January 1991 and 13 July 1992, the Human Rights Commission of Guatemala had listed 1,113 extrajudicial executions, 97 disappearances, 36 disappearances involving children, 191 victims of torture, many arbitrary detentions, physical attacks, death threats, machine gun attacks and bombings in the conflict zones of that country. The section of the population most affected by the repression had been the indigenous population which constituted the majority. His organization considered that the Sub-Commission should condemn the continuing situation of massive and systematic flagrant violations of human rights in Guatemala.

48. In the Islamic Republic of Iran, the terrible situation of systematic violations had been worsening during the past three months with summary and arbitrary executions, arbitrary detention, non-observance of the right to be assisted by a lawyer, serious discrimination against women and violations of the right to freedom of opinion, expression and association. His organization urged the Sub-Commission to respond to that situation also.

49. Mr. ROSSI (International Association for the Defence of Religious Liberty) invited the attention of the Sub-Commission to the flagrant gross violations of human rights and fundamental freedoms resulting from intolerance based on religious totalitarianism. History had shown that, during the twentieth century, unspeakable suffering had been inflicted on mankind by fascist, Nazi and communist totalitarianism. Currently the world was threatened by the even greater menance of religious totalitarianism. In a number of countries, the whole of society was dominated by the precepts of a single, State-inspired religion: those who did not comply with the new order were regarded as unbelievers and force was unhesitatingly used against them; the killing of the infidel was regarded as a moral duty of true believers.

50. According to Mr. Ben Ali, President of the Republic of Tunisia, an international fundamentalist movement undoubtedly existed. The fundamentalists all pursued the same goal, namely, the creation of a

theocratic State and all used the same methods of terror, violence and crime. They ignored the concept of progress and the major challenges of the times; fanaticism alone inspired them.

51. Totalitarian theocratic regimes were already a reality in a number of countries. In Sudan the process was well under way; legislation was being harmonized with the precepts of the majority religion and laws which violated human rights had been adopted, including the provision of the death penalty for abandonment of the State religion. The law of a single religion prevailed in the Islamic Republic of Iran and had inspired massive violations of human rights; dissidents and opponents of the regime lived under the threat of oppression, violence and death. Women were regarded as second-class citizens and were obliged to conform with the dress code promulgated by the religious leaders under pain of flogging. The Baha'i were regarded as unbelievers without rights and one of them, Mr. Bahman Samandari, had been secretly executed on 18 March 1992 although no charge had been made against him and no official judgement pronounced. It was unacceptable that the authorities could impose the death penalty on a person for the sole reason that he belonged to a different religion and the international community must protest and react strongly.

52. Religious totalitarianism also existed in Saudi Arabia. Although the King had promulgated a basic law on 1 March 1992, the rule of law still did not exist in that country. The King had stated clearly that democracy and free elections were not appropriate for the country. Saudi Arabia was the only country in the world where all religions other than the State religion were banned. There were no political parties and no assemblies elected by the citizens; all forms of political expression were banned other than those supportive of the existing regime. The press was controlled. Trade unions and the right to strike were banned although Saudi Arabia was a member of the International Labour Organisation. There was no non-governmental organization concerning itself with human rights.

53. A substantial proportion of the 3 million migrant workers in Saudi Arabia belonged to a religion other than that of the State. They were not permitted to have meeting places or to have recourse to a minister of worship.

54. The international community could not remain inactive in the face of such a threat. It must help the fundamentalists to understand that the real message of religion was one of peace, mercy, forgiveness and love, with respect for the dignity of man and his human rights and fundamental freedoms. It must also help the authorities of all concerned countries to honour their commitments as members of the United Nations. The action of the Sub-Commission in adopting resolutions on the Islamic Republic of Iran was welcome. The Sub-Commission must continue to address the human rights situation in that country as well as in Saudi Arabia and should adopt an appropriate resolution on the latter.

55. Ms. BRIDEL (International Association of Democratic Lawyers) expressed her organization's concern about the human rights situation in Myanmar.

56. An international commission recently created to investigate the human rights situation in Myanmar had concluded that throughout the country

civilians had been recruited without regard for their age or sex and sent to the front. Such recruits had been taken from their homes in police raids or picked up on the street and then sent to detention centres. Men and women alike were employed as porters to transport food and military equipment and were poorly fed and beaten, and many of them had died of hunger or were killed when they were no longer able to perform their tasks. The women were sexually abused by the soldiers.

57. The commission had also found that many villagers had been the victims of mistreatment, rape and murder at the hands of the government forces, who also pillaged and burned their homes. The number of refugees was currently estimated at several million throughout the country.

58. The democratic movement had been subjected to violent repression. The Criminal Code imposed punishment for any activities in support of the democratic movement, and an estimated 10,000 persons had been punished. The leaders of the democratic movement, Daw Aung San Suu Kyi and U Tin Oo, had endured long periods of preventive detention, and 69 persons elected to public office in the general elections had been sentenced to prison terms of 20 to 25 years. Proceedings were conducted in closed military tribunals without the benefit of counsel for the defence and on the basis of confessions extracted under torture; the sentences handed down were either indefinite detention or death.

59. In 1990, the Government forces had forcibly moved many civilians to satellite cities without water, electricity or any facilities. The houses of the deportees had been destroyed without compensation.

60. The democratic forces and the provisional Government of Myanmar called upon the United Nations to take more effective measures to restore human rights and democracy, in particular by stopping all economic and military aid to the Myanmar regime and imposing economic sanctions. The military regime must restore power to the rightfully elected Government. All political prisoners, including Daw Aung San Suu Kyi, must be released. The military regime must initiate a dialogue with the democratic forces, cease its attacks against minorities and allow students and citizens who had been displaced to return to their homes and schools to be reopened.

61. Mr. Yasuo OGATA (International Association of Democratic Lawyers), said that he was an official in an opposition party in Japan, and that he had been the longstanding victim of a government wire-tapping action. Although wire-tapping was illegal in Japan, the offices and officials of his party had often been the targets of such practices. Dozens of other cases had already come to light, and with few exceptions, such activities had always had political motives. His case was the first in which a government body had been found to have been illegally involved. Although the case had been investigated by the Prosecutor's Office and it had been proved that a systematic and premeditated crime had been committed, owing to the complicity between the Prosecutor's Office and the police it had not been possible to convict the guilty policemen concerned. His party had instituted proceedings against those persons, against the police station of Kanagawa and against the Government, which was behind the actions. During the trial it had come to light that within the national police there was a secret police agency that

had been committing such illegal acts as theft and wire-tapping. That secret body had offices in 47 police stations of the national police. Using public funds, it trained its own personnel and collected information through illegal means.

62. He had considerable evidence, including the confession of a former member of the police force, that that body had tapped his own telephone line. Information obtained in that fashion was used to threaten political parties and the members of Parliament. His case was currently before the courts in Tokyo and Yokohama, but all the incriminated policemen had refused to testify.

63. The human rights situation in Japan was much worse than most imagined. The Japanese authorities must cease all wire-tapping operations and disband the special police unit.

64. Ms. LUONG Thi Nga (Pax Romana) alerted the Sub-Commission to the human rights situation of war amputees in the former Republic of Viet Nam.

65. Since the annexation in 1975 of South Viet Nam by the communist North Viet Nam, the entire Vietnamese territory had been placed under a totalitarian police regime. The former soldiers of South Viet Nam, regarded as traitors, had been sent either to re-education camps, which were nothing more than gulags in disguise, or to insalubrious regions to clear land for Government projects in so-called "new economic zones". The persons persecuted in that fashion also included South Viet Nam war amputees, but their fate was even more tragic. Their wheelchairs and orthopaedic prostheses had been taken away to be given to invalids of the army of the victors, they had been removed from hospitals to make room for the North Vietnamese wounded and their homes confiscated and they had been sent off to work in the "new economic zones". She cited in particular the following examples: amputees at the hospital of Vung Tàu had been brutally thrown out of the facility, and most had died for lack of care; the case of Mr. Phan-Van-Canh, who, paralysed below the waist, had remained without medical care for 17 years until his recent death; Mr. Son Quest, who had lost both legs and lived at a public dumping ground; Mr. Pham Choi, who had lost both legs and one arm; Mr. Tan Den, blind and badly burned, who had been left totally without care; Mr. Do Van Binh, who had sought refuge in France and could testify to the torture that he had endured during his internment in the re-education centre of Trang Lon. The families of such persons were also persecuted, and it was worth citing the case of 50 families of war amputees who had been exiled to the "new economic zone" of Dông Trang. The most representative family was that of Mr. Nguyen Ro.

66. In March 1990, a group of war amputees had established contact with compatriots abroad in order to create an aid programme for war invalids. Their humanitarian action was viewed with distrust by the Government. Like many others, the representative of that group, Mr. Dinh Trung Thu of Saigon, had been the target of interminable interrogations, intimidation and threats. He had been forced to promise that he would cease all such activities, and he was currently under police surveillance. The bank account containing funds sent by France at the beginning of 1992 to help the country's invalids had been blocked by the Government. Such persons would certainly die if that aid did not reach them.

67. It was time for the international community to stop ignoring the human rights violations that the current Government had been committing against South Vietnamese war invalids.

68. Mr. Alfonso Martínez resumed the Chair.

69. Ms. SCHERER (Amnesty International) said that her organization had repeatedly submitted information to the Secretary-General of the United Nations about grave and systematic human rights violations in Chad in the hope that that question would be addressed, but it knew of no effective action taken by the international community to halt violations under the previous or current Governments. The Government of Idriss Déby appeared to have taken no steps to restrict the use of lethal force against unarmed civilians by its security forces, who apparently acted with impunity. Since October 1991, a pattern had re-emerged of extrajudicial executions, disappearances, torture and incommunicado detention without charge or trial. The victims were suspected opponents of the Government, particularly members of certain ethnic groups. Amnesty International had noted the dismissal of four senior police and security officials following killings in the capital in January and February 1992, but otherwise few, if any, measures had been taken to curb abuses. Some of those arrested, for example after forcible repatriation from neighbouring Nigeria in February 1992, were believed to have been murdered the following month. Action taken so far by the United Nations had been woefully inadequate to deal with those violations.

70. In the People's Republic of China, there was a long-term pattern of serious human rights violations. Thousands of political prisoners were still detained, including political and religious dissidents, Tibetan nationals and members of Muslim and ethnic groups, many of whom were detained arbitrarily or convicted after trials which fell far short of internationally accepted standards. Many were held solely for having peacefully exercised fundamental rights. Torture and arbitrary executions continued. There had been no change in the laws under which such violations were perpetrated or any attempt to introduce basic safeguards to prevent certain violations from occurring. The incidence of torture and ill-treatment was far higher than officially recorded, and little had been done by the authorities to reduce the risk of detainees being tortured or to ensure that alleged abuses were rigorously and impartially investigated. In 1989 and 1991, the Sub-Commission had endeavoured to bring the situations in China and Tibet to the attention of the Commission on Human Rights, but that body had taken no action. There remained a pressing need to send a clear message that continued gross human rights violations in China would not be tolerated by the international community.

71. Despite Sub-Commission resolution 1991/5 on the situation of human rights in Guatemala, extrajudicial executions, disappearances and serious intimidation, including death threats, continued. The vast majority of human rights violations were not looked into; although investigations were announced, the proceedings were usually flawed and those responsible went unpunished. The victims had included human rights activists, trade unionists, students, members of popular movements, indigenous peasants who refused to serve in the ostensibly voluntary civil patrols, street children and those working on their behalf. The situation in Guatemala had been under discussion in the United Nations for more than 13 years, but little progress had been

made in preventing persistent and serious human rights violations. The international community must act decisively by calling for immediate, concrete measures to stop violations and to investigate past abuses effectively.

72. The situation in Iraq was one which Amnesty International had repeatedly brought to the attention of the United Nations for several years, but not until the invasion of Iraq in 1990 had the Sub-Commission adopted a resolution which had included a request for the Commission on Human Rights to study the situation. The Commission had responded by appointing a Special Rapporteur, a welcome development but which Amnesty International feared was, by itself, insufficient to deal with a Government that continued to sanction atrocities as a matter of policy. There had been continuing reports, particularly in recent months, of the arrest and summary execution of suspected government opponents and of members of the armed forces. The Government's military campaign in the southern marshes, aimed at capturing opponents taking refuge there, went on unabated, resulting in the extrajudicial execution of scores of unarmed civilians. The fate of hundreds of Kurds and Arabs who had disappeared in the aftermath of the March 1991 uprising remained unknown, as well as that of more than 200,000 who had disappeared in previous years. Constant scrutiny must be maintained, taking into account all the Special Rapporteur's recommendations, until real protection for victims of human rights violations in Iraq had been firmly established. But Amnesty International remained concerned that so much time would elapse and so many more victims would be tortured or killed or would disappear before adequate mechanisms were put into effect.

73. If Governments could not, or would not implement the standards which they had developed through the United Nations, the international community must take decisive action. Amnesty International believed that the Sub-Commission had a special role and responsibility in identifying and alerting the Commission on Human Rights to such situations, wherever they occurred, to urge the international community to act in order to achieve the effective and speedy implementation of the standards that were the cornerstone of the United Nations work for the promotion and protection of human rights. For countless victims, it was already too late. Decisive action was needed now if others were not to share their fate.

The meeting rose at 6.05 p.m.